

R E M A R K S

Referring to the Action dated 5-1-07, the following underlined differences in claim 1, over the cited art should be re-considered. (A model of reference Hirsch is enclosed, as an analysis exhibit.)

Note that claim 1 states at g) and h) (with "side face" and "consisting" of terminology being used at Examiner's suggestion) :

- g) and wherein the bandana has two folded generally triangular upper corner sections of generally the same size forming said corners, one section at one side face of the bandana and the other section at the opposite side face of the bandana, the corner sections each defining an angled edge forming a leg of the corner section triangle,
- h) each said folded corner section forming four layers of said fabric, said components stitched to said respective corner sections, said components each having rectangular face area outline, one substantially smaller than the other, and wherein the components respectively widthwise directly overlap

major length extents of said angled edges defined by the respective corner sections, at opposite sides of the bandana.

In the Hirsch reference, the folded corner sections are at the same side of the bandana, and not at opposite sides as stated in g) above. This is shown by the Figs. 5 and 6 of Hirsch, and in the model. In Fig. 5 showing one side, both corner sections are in full lines; and in Fig. 6, showing the opposite side face, there are no folded corner sections shown. See also col. 3, lines 54 and 55; and col. 5, lines 32-36; and col. 5, lines 52-56. The folded corner sections are sewn in place, at the same side of the bandana, so cannot be re-positioned. Therefore, Examiner's statement in the Action, regarding Hirsch, that the corners (41, 42), one section at one side of the bandana and the other section at the opposite side of the bandana----" is incorrect. The enclosed Hirsch model, in this regard, is illustrative.

Note also that claim 1, h), states the following:

h) --- "said components stitched to said respective corner sections" ---the components respectively widthwise

directly overlap major length extents of said angled edges defined by the respective corner sections, at opposite sides of the bandana.

In Hirsch, Fig. 5, component 52 is applied to one folded corner section, and component 62 is not applied to or stitched to the other folded corner section. Instead, component 62 is applied to the opposite side face of the bandana, as seen in Fig. 6. Therefore Examiner's statement in the Action, regarding Hirsch, that "the components are stitched to the respective corner sections" is not correct. See also the enclosed Hirsch model in this regard.

Further, component 62 in Hirsch clearly does not and cannot directly overlap major length extent of the angled edge defined by a folded corner section, etc. as claimed, since as shown in Hirsch Fig. 6, the opposite side of the bandana, component 62, is directly applied to his bandana main surface or face and not to a folded corner section.

Accordingly, the Hirsch reference, as interpreted in the Action, fails to teach, suggest, motivate, or make obvious to try, the claimed construction. And further, if Hirsch component 62 were transferred (as on a "try" basis) to the opposite side of his bandana,

i.e. removed from Fig. 6 side face and applied to Fig. 5 side face, and directly applied to the folded corner section at the right corner as shown, the claimed construction would still not be met since the claim requires in h) that "the respective (folded) corner sections are at opposite sides of the bandana". This is not the corner section configuration location shown or taught by Hirsch, wherein his folded corner sections are at the same side of his bandana. Also, the components 52 and 62 would not then meet to be pressed together.

Conclusion

Hirsch, reasonably considered, does not teach or suggest, motivate, or make obvious to try, the previously amended claim 1 construction, and therefore, base claim 1 should be clearly and justifiably found allowable. The interview with Supervisor Gary Welch on August 20 is acknowledged, and it is believed that he understands applicant's position as respects demonstrated unobviousness over the Hirsch reference. It is believed that a hearing by an Examiners' group before Appeal, would reasonably agree with the above. A call to Counsel to discuss any issue is invited.

Allowance is again respectfully solicited.

Serial No. 10/826,839

Respectfully submitted,



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WWH:ts
Docket 12,606